

REMARKS

The Invention

The invention features a method for stimulating an immune response specific to a naturally occurring protein in an animal having an immune system including T cells by administering an altered protein or fragment thereof having an unstable polypeptide sequence inserted by artifice.

Support for the Amendment

Support for the amendment to claim 1 is found throughout the specification, for example, in Figure 15.

The Office Action

Claims 1-8, 10-13, and 15-19 are pending and stand rejected for anticipation by Hess (U.S. Patent No. 6,326,465; hereafter "Hess") as evidenced by URLs <http://us.expasy.org/cgi-bin/protp> and <http://us.expasy.org/cgi-bin/peptidecutter/peptidecutt>.

Telephonic Interview

Applicant thanks the Examiner for the telephonic interview on April 23, 2004, in which language that clearly delineated the differences between instant claim 1 and the prior art was agreed upon.

Rejections under 35 U.S.C. § 102(e)

Claims 1-8, 10-13, and 15-19 stand rejected for anticipation by Hess. As discussed with the Examiner, Hess teaches a fusion protein while the instant claims are directed to the insertion of an unstable segment into the interior of the protein. In maintaining the rejection, the Office stated that the language “inserted by artifice into the interior of said altered protein” in claim 1 “as broadly interpreted is not limited to insertion into the interior of a linear sequence, i.e., that the insertion can be at any portion of the protein, [or] fragment thereof...” While Applicant again disagrees with the Office’s interpretation, claim 1 has been amended, as discussed in the telephonic interview with the Examiner, to recite “wherein an unstable polypeptide segment has been inserted by artifice into the interior of the primary amino acid sequence of said naturally-occurring protein” (emphasis added). As the primary amino acid sequence has no secondary or tertiary structure, the altered protein of claim 1, as amended, is clearly distinguishable from the fusion proteins of Hess. Hess thus does not disclose each and every element of claim 1, as required for anticipation, and the rejection of claims 1-8, 10-13, and 15-19 should be withdrawn.

Entry of the Amendment

The amendment to claim 1 should be entered under M.P.E.P. § 714.13 as it (A) places the case in condition for allowance by obviating the sole rejection, (B) does not raise issues of new matter, as the Examiner acknowledged it is supported by Figure 15, (C) does not present new issues requiring further consideration or search as it is a

narrowing amendment based on arguments made twice previously by the Applicant, and
(D) does not increase the number of pending claims.

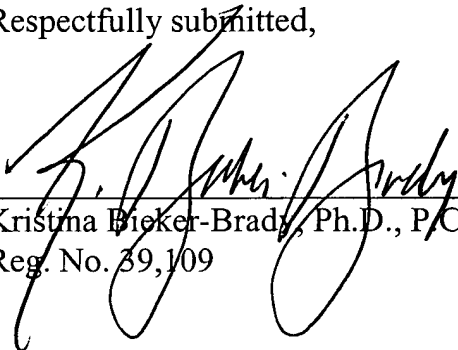
CONCLUSIONS

Applicant submits that the claims are now in condition for allowance, and such
action is respectfully requested. If there are any charges, or any credits, please apply
them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

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